

AMENDMENTS TO THE DRAWINGS:

None

REMARKS/DISCUSSION:

This Amendment A is being filed concurrently with an RCE. A Notice of Appeal was filed in this case on September 17, 2004 and a five-month extension of time is being filed concurrently herewith in order to maintain pendency to allow the filing of the RCE.

By this Amendment A, claims 1, 2, 4-13 and 15-22 are pending in this application. Claims 3 and 14 have been canceled, the subject matter of which has been incorporated into independent claims 1 and 12, respectively. Accordingly, no new matter is added by these amendments.

A Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers of Attorney was filed with the USPTO on November 23, 2004.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-22 stand rejected as being unpatentable over Hood in US Patent No. 5,935,143 in view of Alexander in US Patent No. 2,784,751 as noted in the Office Action. Independent claims 1 and 12 have been amended to recite at least one lumen extending from the distal end to the proximal end. A lumen extending from the distal end to the proximal end of the laminated waveguide is neither disclosed nor suggested by the cited prior art. See for example, Fig. 5 of the '751 reference. No channel or lumen is disclosed. By reason of dependency, 2, 4-11, 13 and 15-22 are also patentable over the cited art.

Conclusion

Applicant submits that in view of the amendments and discussion, the rejection under 35 U.S.C. § 103 has been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-701/VEK.

Respectfully submitted,

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